

UNDT/2010/089, Frechon

UNAT Held or UNDT Pronouncements

The Applicant's fixed term-appointment came to an end as a result of her service-incurred injury. The Applicant's fixed-term appointment was in fact terminated and it is disingenuous for the Respondent to argue that "it was allowed to run until the end of the term and was not renewed on medical grounds." The administrative decision not to renew the Applicant's fixed-term appointment due to the Applicant's inability to resume her professional activities with ICTR in Arusha was informed by improper motive. The applicable procedural rules that should have been followed by the Respondent in this case are contained in ST/AI/1999/16 and were not complied with.

Decision Contested or Judgment/Order Appealed

The Applicant joined the Organization on 4 May 1997 on a contract of limited duration as a translator/interpreter in the Department of Peacekeeping Operations. On 9 June 1998, the Applicant joined the United Nations Observer Mission in Angola (MONUA) on a contract of limited duration as a translator/interpreter. From 1 July 1998, the Applicant was extended on several short-term contracts until 1 March 1999 when she separated from service. On 24 June 2001, the Applicant was re-appointed to a temporary post as translator/interpreter with the International Criminal Tribunal for Rwanda ("ICTR") in Arusha, Tanzania. On 31 July 2007, the Applicant was separated from service due to her inability to resume her professional activities with ICTR in Arusha for medical reasons. The Applicant contested the decision to separate her from service.

Legal Principle(s)

N/A

Outcome

Remanded to Administration

Outcome Extra Text

The Applicant's case is remanded to the Administration for concurrence on the institution of the correct procedure required under ST/AI/1999/16. The Administration is ordered to pay the Applicant compensation equivalent to three months' net base salary for the delay in complying with the procedures required under ST/AI/1999/16.

Full judgment

[Full judgment](#)

Applicants/Appellants

Frechon

Entity

ICTR

Case Number(s)

UNDT/NBI/2009/039

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

7 May 2010

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Separation from service

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

Health reasons

Applicable Law

Administrative Instructions

- ST/AI/1999/16

Former Staff Rules

- Rule 109.1(b)
- Rule 109.7

UNDT RoP

- Article 20

Related Judgments and Orders

UNDT/2010/049